

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**WACKER NEUSON CORPORATION  
and WACKER NEUSON SE,**

**Third-Party Plaintiffs,**

**v.**

**FONTANA CONTRACTING COMPANY  
and WESCON PRODUCTS COMPANY,  
a subsidiary of Latshaw Enterprises, Inc.,**

**09-1064-DRH**

**Third-Party Defendants.**

**ORDER**

**HERNDON, Chief Judge:**

Pending before the Court is the parties' stipulation for dismissal with prejudice (Doc. 128). Based on the stipulation, the Court **DISMISSES with prejudice** the third party action. Further, the Court **DIRECTS** the Clerk of the Court to enter judgment as to the entire case.

**IT IS SO ORDERED.**

Signed this 21st day of September, 2012.

  
Digitally signed by  
David R. Herndon  
Date: 2012.09.21  
14:46:25 -05'00'

**Chief Judge  
United States District Court**